

# Canada Industrial Relations Board

2013–14

## Departmental Performance Report

The original version was signed by

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The Honourable Dr. K. Kellie Leitch, P.C., O.Ont., M.P.  
Minister of Labour and Minister of Status of Women

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Minister of the Canada Industrial Relations Board, 2014

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## Table of Contents

Foreword .....	i
Chairperson's Message .....	1
Section I: Organizational Expenditure Overview .....	3
Organizational Profile.....	3
Organizational Context .....	3
Actual Expenditures.....	12
Alignment of Spending With the Whole-of-Government Framework .....	13
Departmental Spending Trend.....	14
Estimates by Vote .....	14
Section II: Analysis of Programs by Strategic Outcome .....	15
Strategic Outcome: .....	15
Program: Adjudicative and Dispute Resolution Program .....	15
Program: Internal Services.....	18
Section III: Supplementary Information.....	21
Financial Statements Highlights.....	21
Financial Statements .....	22
Supplementary Information Tables .....	22
Tax Expenditures and Evaluations .....	22
Section IV: Organizational Contact Information.....	23
Appendix: Definitions .....	25
Endnotes .....	29

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## Foreword

Departmental Performance Reports are part of the Estimates family of documents. Estimates documents support appropriation acts, which specify the amounts and broad purposes for which funds can be spent by the government. The Estimates document family has three parts.

Part I (Government Expenditure Plan) provides an overview of federal spending.

Part II (Main Estimates) lists the financial resources required by individual departments, agencies and Crown corporations for the upcoming fiscal year.

Part III (Departmental Expenditure Plans) consists of two documents. Reports on Plans and Priorities (RPPs) are expenditure plans for each appropriated department and agency (excluding Crown corporations). They describe departmental priorities, strategic outcomes, programs, expected results and associated resource requirements, covering a three-year period beginning with the year indicated in the title of the report. Departmental Performance Reports (DPRs) are individual department and agency accounts of actual performance, for the most recently completed fiscal year, against the plans, priorities and expected results set out in their respective RPPs. DPRs inform parliamentarians and Canadians of the results achieved by government organizations for Canadians.

Additionally, Supplementary Estimates documents present information on spending requirements that were either not sufficiently developed in time for inclusion in the Main Estimates or were subsequently refined to account for developments in particular programs and services.

The financial information in DPRs is drawn directly from authorities presented in the Main Estimates and the planned spending information in RPPs. The financial information in DPRs is also consistent with information in the Public Accounts of Canada. The Public Accounts of Canada include the Government of Canada Consolidated Statement of Financial Position, the Consolidated Statement of Operations and Accumulated Deficit, the Consolidated Statement of Change in Net Debt, and the Consolidated Statement of Cash Flow, as well as details of financial operations segregated by ministerial portfolio for a given fiscal year. For the DPR, two types of financial information are drawn from the Public Accounts of Canada: authorities available for use by an appropriated organization for the fiscal year, and authorities used for that same fiscal year. The latter corresponds to actual spending as presented in the DPR.

The Treasury Board *Policy on Management, Resources and Results Structures* further strengthens the alignment of the performance information presented in DPRs, other Estimates documents and the Public Accounts of Canada. The policy establishes the Program Alignment

Architecture of appropriated organizations as the structure against which financial and non-financial performance information is provided for Estimates and parliamentary reporting. The same reporting structure applies irrespective of whether the organization is reporting in the Main Estimates, the RPP, the DPR or the Public Accounts of Canada.

A number of changes have been made to DPRs for 2013–14 to better support decisions on appropriations. Where applicable, DPRs now provide financial, human resources and performance information in Section II at the lowest level of the organization's Program Alignment Architecture.

In addition, the DPR's format and terminology have been revised to provide greater clarity, consistency and a strengthened emphasis on Estimates and Public Accounts information. As well, departmental reporting on the Federal Sustainable Development Strategy has been consolidated into a new supplementary information table posted on departmental websites. This new table brings together all of the components of the Departmental Sustainable Development Strategy formerly presented in DPRs and on departmental websites, including reporting on the Greening of Government Operations and Strategic Environmental Assessments. Section III of the report provides a link to the new table on the organization's website. Finally, definitions of terminology are now provided in an appendix.



## Chairperson's Message

I am pleased to present to Parliament and to Canadians what will be my last report as Chair and Deputy Head of the Canada Industrial Relations Board (the Board). As my term as Chair of the Board comes to an end, I look back on the accomplishments of the past year and am convinced that I will be leaving the Board in a solid position, ready and able to face the challenges of the future.

When I was first appointed as Chairperson of the Board in January 2008, I made it a priority to reduce the large backlog of cases that were on the Board's books at the time, and to ensure that the Board achieved its mandate of contributing to and promoting a harmonious industrial relations climate in federally regulated industries. In January 2008, there were 643 cases awaiting determination by the Board; 23.6% of these matters had been pending for over two years. The Board's performance indicators also revealed that it took, on average, 298 days to process an application or complaint.

At the end of fiscal year 2013–14, there were only 267 cases pending before the Board. Although 13.6% of these matters have been pending for over two years, the majority of these cases are being held in abeyance at the request of the parties. The average processing time for applications and complaints stood at 191 days. These are stellar results achieved through the sustained efforts of our employees and of my fellow Board members.

The Board conducted a client satisfaction survey just prior to the end of the fiscal year and the results are positive. Clients expressed high levels of satisfaction across virtually all the areas examined, from case processing and management, to mediation assistance by Board staff and the conduct of hearings. A majority of satisfaction indicators are in the 80 to 95% range, quite impressive when one recalls that the Board's work involves parties who are engaged in litigation with one another.

I am extremely pleased with the progress the Board has achieved and it is my hope that, despite the changes and challenges that the Board faces as an organization, the effective delivery of its statutory mandate will remain the focus and priority of the Board and its partners. It is clear to me that there remains a critical need for investment in developing and maintaining constructive labour-management relationships in order to achieve the goal of productive and harmonious workplaces.

The original version was signed by

Elizabeth MacPherson  
Chairperson





## Section I: Organizational Expenditure Overview

### Organizational Profile

**Appropriate Minister:** The Honourable Dr. K. Kellie Leitch, P.C., O.Ont., M.P.

**Institutional Head:** Elizabeth MacPherson, Chairperson

**Ministerial Portfolio:** Labour

**Enabling Instruments:** *Canada Labour Code (Part I–Industrial Relations)*<sup>i</sup>  
 Certain provisions of the *Canada Labour Code (Part II–Occupational Health and Safety)*<sup>ii</sup>  
*Status of the Artist Act (Part II–Professional Relations)*<sup>iii</sup>

**Year of Incorporation / Commencement:** 1999

#### Other:

The Canada Industrial Relations Board (the CIRB or the Board) is an independent, representational, quasi-judicial tribunal responsible for the interpretation and application of Part I (Industrial Relations) and certain provisions of Part II (Occupational Health and Safety) of the *Canada Labour Code* (the *Code*). Since April 1, 2013, the Board also has responsibility for the administration and application of Part II of the *Status of the Artist Act* (the *Act*). The CIRB resolves labour relations issues by exercising its statutory powers to adjudicate and provide dispute resolution assistance to labour and management in the federally regulated private sector. The activities of the Board include the granting, modification and termination of bargaining rights; the investigation, mediation and adjudication of unfair labour practice complaints; the determination of levels of services required to be maintained during a work stoppage in order to protect public health or safety; and the exercise of cease and desist powers in cases of unlawful strikes or lockouts.

### Organizational Context

#### Raison d'être

The mandate of the Board is to contribute to and promote a harmonious industrial relations climate in the federally regulated private sector through the impartial, effective and appropriate administration of the legislation governing labour and management in their representational and bargaining activities. The Board also contributes to Canada's cultural community by promoting constructive professional relations between artists and producers in the federal jurisdiction. This, in turn, provides better conditions of engagement for artists and a more stable, predictable

workforce for producers. To achieve this mandate, the Board seeks to provide effective industrial relations solutions for the Canadian labour relations community in a fair and timely manner.

## **Responsibilities**

The CIRB is an independent, representational, quasi-judicial tribunal responsible for the interpretation and application of the *Code*, Part I (Industrial Relations) and certain provisions of Part II (Occupational Health and Safety). Since April 1, 2013, the Board is also responsible for the administration and application of Part II of the *Act*. This act establishes a framework for the conduct of professional relations between independent professional artists and producers within the federal jurisdiction, and most of its provisions are similar in nature to those contained in the *Code*.

Part I of the *Code* establishes the framework for collective bargaining, the acquisition and termination of bargaining rights, determination of unfair labour practices and protection of the public interest in the event of work stoppages affecting services critical to health or safety.

The CIRB has jurisdiction in all provinces and territories with respect to federal works, undertakings or businesses in the following sectors:

- Broadcasting
- Banking
- Postal services
- Airports and air transportation
- Shipping and navigation
- Interprovincial or international transportation by road, railway, ferry or pipeline
- Telecommunications
- Grain handling
- Uranium mining and processing

The CIRB also has jurisdiction over:

- Most public and private sector activities in the Yukon, Nunavut and the Northwest Territories
- Some First Nations undertakings
- Federal Crown corporations (including, among others, Atomic Energy of Canada Limited and the national museums)

The federal jurisdiction covers some 800,000 employees and approximately 12,000 employers which include enterprises that have a significant economic, social, and cultural impact on Canadians from coast to coast. The variety of activities conducted in the federally regulated

sector, as well as its geographical spread and national significance, contribute to the uniqueness of the federal jurisdiction and the role of the CIRB.

The Board's role is to exercise its powers in accordance with the Preamble and provisions of the *Code*, which state that Parliament considers "the development of good industrial relations to be in the best interests of Canada in ensuring a just share of the fruits of progress to all." To that end, the Board aims to be responsive to the needs of the industrial relations community across Canada by emphasizing initiatives that build positive working relationships and support stable labour-management relations.

### **Departmental Organization**

The *Code* provides that the Board is to be composed of the Chairperson, two or more full-time Vice-Chairpersons, not more than six full-time Members (of which not more than three represent employers and not more than three represent employees) and any other part-time Members (representing, in equal numbers, employees and employers) necessary to discharge the responsibilities of the Board. All are appointed by the Governor in Council: the Chairperson and the Vice-Chairpersons for terms not to exceed five years, the Members for terms not to exceed three years. At the end of the fiscal year, the Board consisted of the Chairperson, four full-time Vice-Chairpersons, and five full-time and two part-time Members. Information on the Board Members can be found on the Canada Industrial Relations Board website<sup>iv</sup>.

The Chairperson is the Chief Executive Officer of the Board and has supervision over and direction of the work of the Board, including:

- the assignment and reassignment of matters that the Board is seized of to panels;
- the composition of panels and the assignment of Vice-Chairpersons to preside over panels;
- the determination of the date, time and place of hearing;
- the conduct of the Board's work;
- the management of the Board's internal affairs;
- the duties of the staff of the Board.

The Board's headquarters are located in the National Capital Region. Support to the Board is provided by the Executive Director, reporting directly to the Chairperson. The Executive Director is responsible for regional operations, case management, legal services, client and corporate services and financial services.

The Board has four regional offices located in Dartmouth, Montréal, Toronto and Vancouver, and two satellite offices, one in Ottawa and another in Winnipeg. These offices are staffed by

labour relations professionals and case management teams. The regional offices report to the Executive Director in Ottawa.

## Strategic Outcome and Program Alignment Architecture

In pursuing its mandate, the CIRB seeks to achieve the following strategic outcome:

**Effective dispute resolution services that support constructive labour-management relations in sectors regulated by the *Canada Labour Code* and professional relations in sectors regulated by the *Status of the Artist Act*.**

The CIRB's strategic outcome is aligned with the government's Economic Affairs and supports the government's desired outcome of ensuring a Fair and Secure Marketplace through the impartial, effective and appropriate administration of the rules governing the conduct of employers and unions, in order to ensure stable labour-management relations and productive workplaces.

It should be noted that during the fiscal year, the CIRB, through the *Management Resources and Results Structure* amendment process and in consultation with the Treasury Board Secretariat, amended the description of its strategic outcome to better reflect the new responsibilities of the CIRB pursuant to the *Act*.

## Program Alignment Architecture

Based on its legislated mandate, the CIRB has a single strategic outcome and two programs.

**Strategic Outcome:** Effective dispute resolution services that support constructive labour-management relations in sectors regulated by the *Canada Labour Code* and professional relations in sectors regulated by the *Status of the Artist Act*.

**Program:** Adjudicative and Dispute Resolution Program

**Program:** Internal Services

## Organizational Priorities

During fiscal year 2013–14, the CIRB focused its efforts and resources on key priorities that were in direct support of its strategic outcome, with the objective of promoting and contributing to effective and stable industrial relations in the federally regulated private sector. Progress against the priorities that were identified in the Board's 2013–14 Report on Plans and Priorities is summarized in the table below:



Priority	Type <sup>1</sup>	Strategic Outcome and Programs
Expeditious and fair resolution of applications and complaints	Ongoing	<p>This priority is linked to our sole strategic outcome:</p> <p>Effective dispute resolution services that support constructive labour-management relations in sectors regulated by the <i>Canada Labour Code</i> and professional relations in sectors regulated by the <i>Status of the Artist Act</i></p> <p>and is also directly linked to our main program:</p> <p>Adjudicative and Dispute Resolution Program</p>
<b>Summary of Progress</b>		
<ul style="list-style-type: none"> <li>At fiscal year end, the CIRB's performance indicators demonstrate that its case management activities resulted in improvements over previous years. The disposition rate continues to exceed the number of applications and complaints filed, and as a result, the number of matters awaiting determination has been reduced to a historic low. In 2013–14, the Board received 541 applications/complaints and disposed of 608, representing a disposition rate of 112%.</li> <li>The average processing time for all matters coming before the Board was 191 days with 81% of matters being processed within 12 months of being filed with the Board.</li> <li>The Board maintained its decision-making time at an average of 63 days, which is well below the statutory requirement of 90 days.</li> <li>The proactive intervention and effective mediation assistance on the part of the Board's regionally based industrial relations officers resulted in a settlement rate for unfair labour practice complaints of 37%. Mediated settlements result in more timely and constructive outcomes for complainants and respondents.</li> </ul>		
Priority	Type	Strategic Outcome and Programs
Seamless transition to new responsibilities under the <i>Act</i> in order to ensure expeditious resolution of matters filed pursuant to that <i>Act</i>	Completed	<p>This priority is linked to our sole strategic outcome:</p> <p>Effective dispute resolution services that support constructive labour-management relations in sectors regulated by the <i>Canada Labour Code</i> and professional relations in sectors regulated by</p>

1. Type is defined as follows: previously committed to—committed to in the first or second fiscal year prior to the subject year of the report; ongoing—committed to at least three fiscal years prior to the subject year of the report; and new—newly committed to in the reporting year of the RPP or DPR. If another type that is specific to the department is introduced, an explanation of its meaning must be provided.

		<p>the <i>Status of the Artist Act</i> and is also directly linked to our main program:</p> <p>Adjudicative and Dispute Resolution Program</p>
<b>Summary of Progress</b>		
<ul style="list-style-type: none"> <li>• This priority is now completed.</li> <li>• The transfer of all responsibilities under the <i>Act</i> from the Canadian Artists and Producers Professional Relations Tribunal to the CIRB was completed one year earlier than originally planned. This transition resulted in annual recurring savings of \$1.7 million.</li> <li>• The CIRB completed a review of the procedural regulations under the <i>Act</i> and conducted extensive consultations with the artistic community to seek their views and comments on proposed amendments. The new <i>Status of the Artist Act Procedural Regulations</i> were ratified by the Board and registered in July 2014. The purpose of these amendments is to better align the practices and procedures for matters under the <i>Act</i> with the existing practices of the Board.</li> </ul>		

Priority	Type	Strategic Outcome and Programs
An involved and well-informed labour relations community	Ongoing	<p>This priority is linked to our sole strategic outcome:</p> <p>Effective dispute resolution services that support constructive labour-management relations in sectors regulated by the <i>Canada Labour Code</i> and professional relations in sectors regulated by the <i>Status of the Artist Act</i></p> <p>and is also directly linked to our main program:</p> <p>Adjudicative and Dispute Resolution Program</p>
<b>Summary of Progress</b>		
<ul style="list-style-type: none"> <li>• In September 2013, the CIRB co-hosted the National Industrial Relations Conference, an event that brings together labour and management representatives in a forum that allows for productive and positive dialogue on current economic and social challenges and opportunities.</li> <li>• During fiscal year 2013–14, the Board held broad consultations with the artistic community to discuss proposed amendments to the procedural regulations under the <i>Act</i>. The Board also used this opportunity to better understand and respond to their needs as it undertakes new responsibilities under that <i>Act</i>.</li> <li>• In its continuing efforts to be accountable to its users, the Board continued to publish semi-annual newsletters informing the client community of the Board's activities and performance.</li> </ul>		



Priority	Type	Strategic Outcome and Programs
Enhanced electronic management capabilities	Ongoing	<p>This priority is linked to our sole strategic outcome:</p> <p>Effective dispute resolution services that support constructive labour-management relations in sectors regulated by the <i>Canada Labour Code</i> and professional relations in sectors regulated by the <i>Status of the Artist Act</i></p> <p>and is also directly linked to two programs:</p> <p>Adjudicative and Dispute Resolution Program</p> <p>and</p> <p>Internal Services</p>
<b>Summary of Progress</b>		
<ul style="list-style-type: none"> <li>During the fiscal year, significant effort and resources were deployed to implement electronic capture of all in-coming documents and the automated creation of e-case files. The Board also launched a web portal by which clients can file applications/ complaints or any subsequent documents electronically.</li> <li>The CIRB continued to actively participate in an initiative led by PWGSC and TBS-CIOB and other SDAs to implement the new shared case management system solution identified through the RFP process.</li> </ul>		

## Risk Analysis

The CIRB, as indicated in previous reports, is a low-risk agency. Financially, approximately four fifths of its \$14.1 million operating budget in 2013–14 was expended on salaries and benefits. Of the remaining \$3.0 million in Operations and Maintenance, 57% was spent on travel and professional services, primarily related to the processing of cases (e.g. travel to hearings, temporary rental of hearing rooms, interpretation services and translation of Board decision).

The Board is a demand-driven organization, in that its sole function is to respond to the matters that are referred to it by unions, employers, individual employees and the Minister of Labour. The Board's workload is a function of many variables and is highly unpredictable in any given year.

It is in this context that the following risks have been identified in the Board's planning documents and mitigating measures put in place to minimize their likelihood and impact.

## Key Risks

Risk	Risk Response Strategy	Link to Program Alignment Architecture
<p><b>1. Unpredictable Case Load</b> A significant increase in the incoming number of complex matters would severely affect the Board's ability to meet its strategic outcome.</p>	<ul style="list-style-type: none"> <li>• This risk was identified in the 2013–14 RPP.</li> <li>• The incoming workload has remained constant during the year but relatively well below the five-year average of 676 cases per year for the period 2008–09 to 2012–13.</li> <li>• With electronic capture of documents and implementation of e-files, the work can be reallocated to other regional offices as necessary to handle the processing of matters.</li> </ul>	<p>This risk is directly linked to our sole strategic outcome:</p> <p>Effective dispute resolution services that support constructive labour-management relations in sectors regulated by the <i>Canada Labour Code</i> and professional relations in sectors regulated by the <i>Status of the Artist Act</i></p>
<p><b>2. Processing Time</b> Unreasonable delays in processing matters and issuing decisions can negatively affect labour-management relations and cause significant problems for parties that need final resolution of their dispute.</p>	<ul style="list-style-type: none"> <li>• This risk was identified in the 2013–14 RPP.</li> <li>• Through focused and sustained case management efforts, priority is given to matters in which a delay may pose significant adverse industrial relations consequences.</li> <li>• An expedited procedure is in place for the processing of certification applications.</li> <li>• A prima facie review process is in place for duty of fair representation cases in order to better assess the needs of individual cases and assign the appropriate resources. This has resulted in a significant reduction in the disposition time of these matters.</li> <li>• The Board implemented several electronic processes that, once fully deployed, will provide greater capacity and efficiency in the processing of files.</li> </ul>	<p>This risk is directly linked to our sole strategic outcome:</p> <p>Effective dispute resolution services that support constructive labour-management relations in sectors regulated by the <i>Canada Labour Code</i> and professional relations in sectors regulated by the <i>Status of the Artist Act</i></p> <p>and to our main program:</p> <p>Adjudicative and Dispute Resolution Program</p>
<p><b>3. Credibility</b> The Board's ability to carry out its mandate would be negatively</p>	<ul style="list-style-type: none"> <li>• This risk was identified in the 2013–14 RPP.</li> <li>• The Board strives to issue</li> </ul>	<p>This risk is directly linked to our sole strategic outcome:</p> <p>Effective dispute resolution</p>

<p>affected if the client community did not perceive it to be an effective, fair and unbiased dispute resolution agency.</p>	<p>quality decisions that are based on sound legal and industrial relations principles to ensure stability and certainty amongst the client community. During the fiscal year, only two decisions were overturned by the Federal Court of Appeal.</p> <ul style="list-style-type: none"> <li>• The Board also promoted transparency and accessibility by communicating its jurisprudence and performance results in a timely fashion through a variety of information dissemination methods.</li> <li>• The Board maintained ongoing communications with the client community through regular meetings with the client consultation committee and regional client groups.</li> </ul>	<p>services that support constructive labour-management relations in sectors regulated by the <i>Canada Labour Code</i> and professional relations in sectors regulated by the <i>Status of the Artist Act</i></p> <p>and to our main program:</p> <p>Adjudicative and Dispute Resolution Program</p>
<p><b>4. Capacity to Deliver on Multiple Initiatives</b></p> <p>The Board's limited resources and size make it a challenge to build and retain specialized skills and knowledge in areas that are not central to the Board's mandate but critical to meeting the governance expectations in various areas of corporate services.</p>	<ul style="list-style-type: none"> <li>• The Board continued to use a web-based externally managed service for the publication and distribution of its written decisions.</li> <li>• The Board continued to actively participate in the steering committee responsible for the procurement and implementation of a shared case management system for small agencies.</li> <li>• The CIRB worked collaboratively with expert resources provided by the Public Service Commission to develop and successfully implement a plan in response to a staffing audit conducted in the previous year.</li> </ul>	<p>This risk is directly linked to our sole strategic outcome:</p> <p>Effective dispute resolution services that support constructive labour-management relations in sectors regulated by the <i>Canada Labour Code</i> and professional relations in sectors regulated by the <i>Status of the Artist Act</i></p> <p>and to the following program:</p> <p>Internal Services</p>

## Actual Expenditures

### Budgetary Financial Resources (dollars)

2013–14 Main Estimates	2013–14 Planned Spending	2013–14 Total Authorities Available for Use	2013–14 Actual Spending (authorities used)	Difference (actual minus planned)
13,553,965	13,553,965	14,096,060	13,257,206	(296,759)

### Human Resources (Full-Time Equivalents (FTEs))

2013–14 Planned	2013–14 Actual	2013–14 Difference (actual minus planned)
96.4	92.1	(4.3)

### Budgetary Performance Summary for Strategic Outcome and Programs (dollars)

Strategic Outcome(s), Program(s) and Internal Services	2013–14 Main Estimates	2013–14 Planned Spending	2014–15 Planned Spending	2015–16 Planned Spending	2013–14 Total Authorities Available for Use	2013–14 Actual Spending (authorities used)	2012–13 Actual Spending (authorities used)	2011–12 Actual Spending (authorities used)
Strategic Outcome : Effective dispute resolution services that support constructive labour-management relations in sectors regulated by the <i>Canada Labour Code</i> and professional relations in sectors regulated by the <i>Status of the Artist Act</i> .								
Adjudicative and Dispute Resolution Program	9,905,354	9,905,354	9,678,448	9,730,740	9,828,338	9,243,095	9,103,648	9,841,296
<b>Subtotal</b>	9,905,354	9,905,354	9,678,448	9,730,740	9,828,338	9,243,095	9,103,648	9,841,296
Internal Services Subtotal	3,648,611	3,648,611	3,685,508	3,599,041	4,267,722	4,014,111	3,682,468	3,857,628
<b>Total</b>	13,553,965	13,553,965	13,363,956	13,329,781	14,096,060	13,257,206	12,786,116	13,698,924

The Board's planned spending variance is due to a transition allowance of \$200,000 for the year 2013–14 for the administration of the *Status of the Artist Act* that was not continued in 2014–15 and 2015–16. The Board's actual spending was affected by the cash out of severance entitlements in 2011–12 to several CIRB employees, pursuant to a new government policy regarding severance pay. The variance in 2013–14 compared to 2012–13 is explained by the CIRB's active participation in an initiative led by PWGSC and TBS-CIOB and other SDAs to implement the new shared case management system solution identified through the RFP process.



## Alignment of Spending With the Whole-of-Government Framework

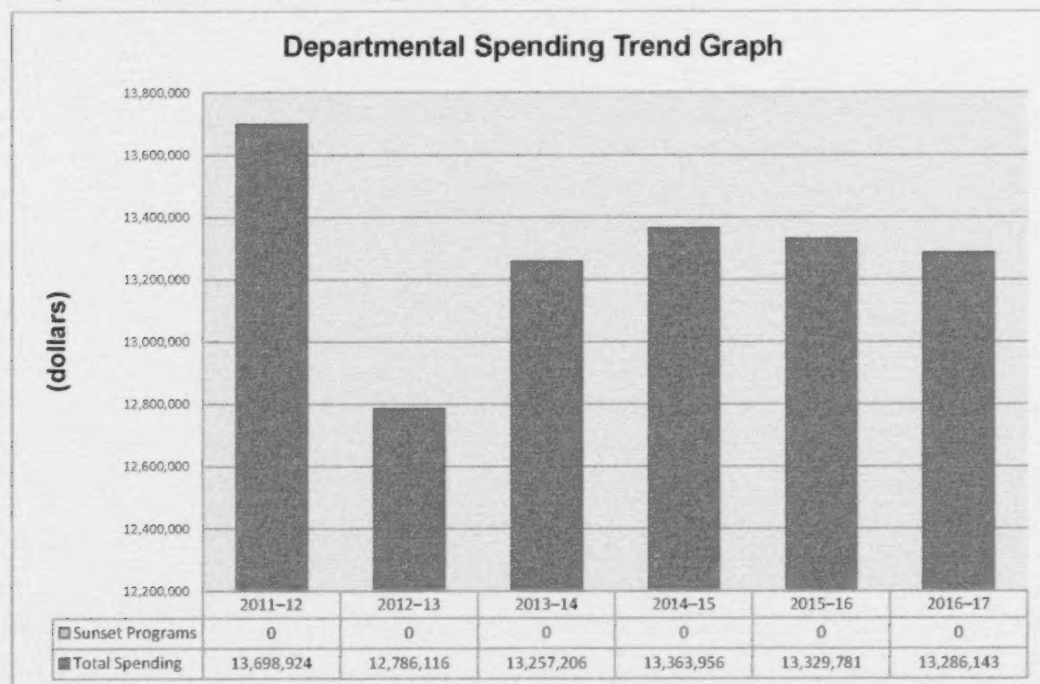
Alignment of 2013–14 Actual Spending With the Whole-of-Government Framework<sup>v</sup>  
(dollars)

Strategic Outcome	Program	Spending Area	Government of Canada Outcome	2013–14 Actual Spending
Effective dispute resolution services that support constructive labour-management relations in sectors regulated by the <i>Canada Labour Code</i> and professional relations in sectors regulated by the <i>Status of the Artist Act</i>	Adjudicative and Dispute Resolution Program	Economic Affairs	Strong economic growth	13,257,206

### Total Spending by Spending Area (dollars)

Spending Area	Total Planned Spending	Total Actual Spending
Economic Affairs	13,553,965	13,257,206
Social Affairs	0	0
International Affairs	0	0
Government Affairs	0	0

## Departmental Spending Trend



The Board's spending trend is stable, being affected in 2011–12 mainly by the cash out of severance entitlements in 2011–12 to several CIRB employees, pursuant to a new government policy regarding severance pay. The reduction in spending observed in 2012–13 follows a reduction in the number of cases requiring a hearing during this fiscal year. The increase for 2013–14 and subsequent years is explained by a permanent transfer of \$300,000 for the administration of the *Status of the Artist Act* and a transition allowance of \$200,000 for the year 2013–14.

## Estimates by Vote

For information on the Canada Industrial Relations Board's organizational Votes and statutory expenditures, consult the *Public Accounts of Canada 2014* on the Public Works and Government Services Canada website.<sup>vi</sup>



## Section II: Analysis of Programs by Strategic Outcome

### Strategic Outcome:

Effective dispute resolution services that support constructive labour-management relations in sectors regulated by the *Canada Labour Code* and professional relations in sectors regulated by the *Status of the Artist Act*.

### Performance Measurement

Performance Indicators	Targets	Actual Results
Number of applications/complaints resolved as a percentage of applications/complaints received during the year	100%	112%
Percentage of clients that are satisfied with the CIRB case management practices, measured over a three-year period with a client satisfaction survey	75%	A client satisfaction survey was conducted in 2013–14. Overall satisfaction levels varied between 80 to 95% on the majority of areas assessed

### Program: Adjudicative and Dispute Resolution Program

#### Description

The CIRB has only one key operational program—the Adjudicative and Dispute Resolution Program. Through this program, the CIRB resolves labour relations issues by exercising its statutory powers relating to the application and interpretation of Part I (Industrial Relations) and certain provisions of Part II (Occupational Health and Safety) of the *Canada Labour Code* (the *Code*) as well as Part II of the *Status of the Artist Act* (the *Act*). Activities include the granting, modification and termination of bargaining rights; the investigation, mediation and adjudication of complaints alleging violation of Part I of the *Code*; the determination of levels of services required to be maintained during a work stoppage; the exercise of ancillary remedial authority; the exercise of cease and desist powers in cases of unlawful strikes or lockouts; and the settlement of the terms of a first collective agreement.

#### Budgetary Financial Resources (dollars)

2013–14 Main Estimates	2013–14 Planned Spending	2013–14 Total Authorities Available for Use	2013–14 Actual Spending (authorities used)	2013–14 Difference (actual minus planned)
9,905,354	9,905,354	9,828,338	9,243,095	(662,259)

## Human Resources (FTEs)

2013–14 Planned	2013–14 Actual	2013–14 Difference (actual minus planned)
67.7	64.6	(3.1)

## Performance Results

Expected Results	Performance Indicators	Targets	Actual Results
Labour relations issues before the Board are resolved in a timely and consistent manner	Percentage of cases processed in less than one (1) year	75%	81%
	Percentage of CIRB decisions upheld by the Federal Court of Appeal	100%	86%
	Average length of time to render a decision from the date the Board reserves its decision	90 days	63 days

## Performance Analysis and Lessons Learned

## Volume of Matters

The nature of the demand for Board services varies from year to year, depending on the state of the economy and other factors affecting the labour market. While Canada's economic recovery remains fragile and its employment market is less dynamic than in the past, the Board has not seen this translate into increased activity or a higher number of incoming applications/complaints. On the contrary, there continued to be a decline in the number of applications/complaints filed with the Board in 2013–14, a decrease of 9% from the previous year.

Unfair labour practice (ULP) complaints continue to represent the greatest number of cases, at 42% of all incoming matters in the fiscal year. Of these cases, duty of fair representation (DFR) complaints represent 29% of all cases while other ULP complaints represent 13% of cases.

With respect to the number of cases that were resolved, the Board disposed of more cases than it received and was able to further reduce the number of pending matters at the end of the fiscal year to 267 cases, its lowest level ever reported.

## Processing Time

The time required to process a file—which includes opening, investigating, mediating, hearing, and deciding a case—continued to be the focus of the Board. During the fiscal year, the Board was able to maintain its average case processing time to 191 days. This is slightly up from the previous year but still below the five-year average of 225 days for the period between 2008–09 to 2012–13.

One indicator that the Board considers indicative of its effectiveness is the number of cases that are processed within one year from the date of filing with the Board. In the last year, the Board was able to dispose of 81% of its cases within the 12-month period. The majority of matters that remain pending after one year are those that are scheduled for hearing or placed in abeyance at the request of the parties as they seek other ways of resolving their dispute.

## Decision-Making Time

The Board issues detailed *Reasons for decision* in matters of broader national significance and/or significant precedential importance. In other matters, concise letter decisions help expedite the decision-making process, thereby providing more timely industrial relations outcomes for the parties involved. The Board also disposes of certain matters by issuing an order that summarizes the Board's decision. The Board strives to provide timely and legally sound decisions that are consistent across similar matters in order to establish strong and clear jurisprudence. One component of the overall processing time is the length of time required by a Board panel to prepare and issue a decision following the completion of the hearing of a matter. A panel may decide a case without a hearing on the basis of written and documentary evidence, such as investigation reports and written submissions, or may defer the decision until further evidence and argument is obtained through an oral hearing.

In 2013–14, the CIRB issued 39 detailed *Reasons for decision*, 202 letter decisions and 169 orders, for a total of 410 written decisions.

Another approach to evaluating the Board's performance on decision-making time is to use section 14.2(2) of the *Code* as a benchmark. This section requires that a panel must render its decision and give notice of it to the parties no later than ninety days after the day on which it reserved its decision or within any further period that may be determined by the Chairperson. Against this criterion, the Board was well within its target as the average decision-making time of disposed matters in 2013–14 was 63 days. The Board continues to demonstrate commitment and resolve in maintaining its rate of disposition to ensure that it does not allow a backlog of cases to reoccur.

## **Judicial Reviews**

Another measure of the Board's performance, as well as a measure of the quality and soundness of its decisions, is the frequency of applications for judicial review of Board decisions to the Federal Court of Appeal, and the percentage of decisions upheld as a result of these reviews. In this respect, the Board continues to perform exceptionally well. In 2013–14, there were 13 applications for judicial review filed with the Federal Court of Appeal and one application to the Supreme Court of Canada. Only two applications were granted by the Federal Court of Appeal, quashing the Board's original and reconsideration decisions involving the same complaint.

## **Client Satisfaction**

In order to gauge the level of client satisfaction with its services, the Board retained the services of EKOS to conduct the survey among clients that had active matters before the Board between January 1, 2012, and December 21, 2013. Respondents were asked to rate their level of satisfaction with several aspects of service from the Board, including interaction with the Board's staff, the mediation process, representation votes, case management meetings, expedited hearings, oral hearings and access to information on the Board's website.

The results reveal that a strong majority of clients (87%) expressed overall satisfaction with the services received from CIRB staff. Satisfaction levels across nine service factors are in the same range as the overall satisfaction level, varying narrowly from 84 to 95% satisfied. The factors with the highest levels of satisfaction were service provision in the official language of the client's choice, and the courteousness of the CIRB officer (95 and 94% satisfaction levels, respectively). In addition, 84% of respondents expressed a high degree of satisfaction with perceived fairness and impartiality of the CIRB officers. The proportion of clients who were dissatisfied with their most recent interaction with CIRB staff, both overall and across the nine service factors, was less than 10%.

The Board continues to seek ways to improve service delivery and strives to find timely solutions that best serve the labour-management relations of the Board's client community. These survey results provide guidance on what works well and where improvements can be made.

## **Program: Internal Services**

### **Description**

The second program of the Board is to provide the internal support and administrative services required to carry out the Board's main program. It consists of the groups of activities and



resources that are administered to support the operational needs of the Board's Adjudicative and Dispute Resolution Program and other corporate obligations of the CIRB, including Central Agencies' requirements. These groups are: management and oversight services; human resources services; financial and administrative services (including facilities, material and procurement services); information management services; and information technology services.

#### Budgetary Financial Resources (dollars)

2013–14 Main Estimates	2013–14 Planned Spending	2013–14 Total Authorities Available for Use	2013–14 Actual Spending (authorities used)	2013–14 Difference (actual minus planned)
3,648,611	3,648,611	4,267,722	4,014,111	365,500

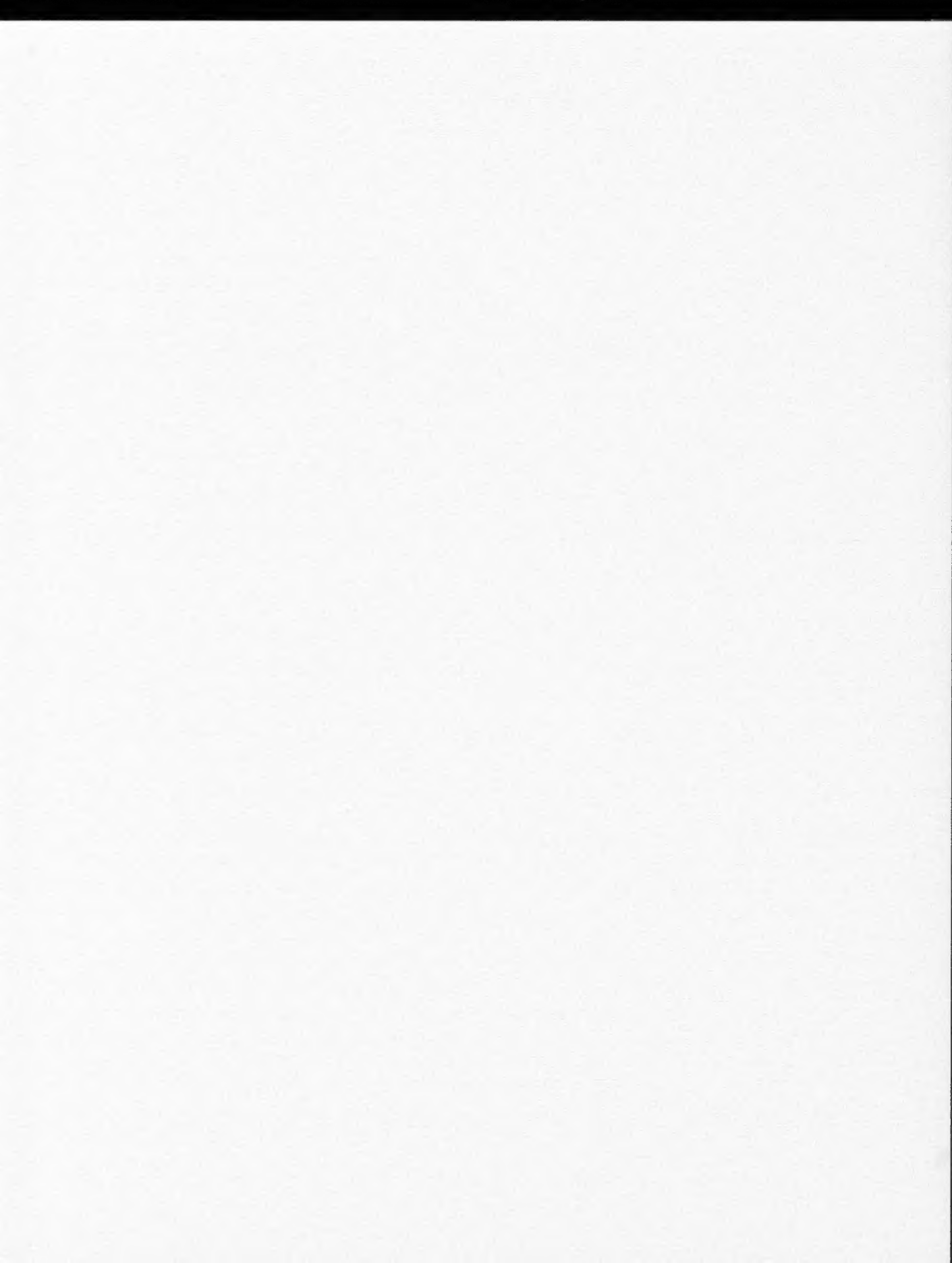
#### Human Resources (FTEs)

2013–14 Planned	2013–14 Actual	2013–14 Difference (actual minus planned)
28.7	27.5	(1.2)

#### Performance Analysis and Lessons Learned

Internal corporate services make a critical contribution to the achievement of the sole main program. The Board is committed to continuously seeking effective and efficient internal service delivery and is working to address challenges in line with the Clerk of the Privy Council's Public Service Renewal priorities. The CIRB strives to utilize its human, material and financial resources in the most economical, efficient manner to effectively support the delivery of the CIRB's program and its corporate obligations.

In Canada's Economic Action Plan 2014 presented at the end of the fiscal year, the Government announced its intention to create the Administrative Tribunals Support Service of Canada (ATSSC). This new organization, which consolidates operations of several administrative tribunals, will provide support services to the CIRB. The CIRB will retain its adjudication powers while all human and financial resources will be transferred to the ATSSC. The focus of the coming year will be directed at the implementation of this new initiative to ensure that the Board can continue to deliver effectively on its mandate with the commitment of, and appropriate level of support from its partners.





## Section III: Supplementary Information

### Financial Statements Highlights

Canada Industrial Relations Board Condensed Statement of Operations and Departmental Net Financial Position (unaudited) For the Year Ended March 31, 2014 (dollars)					
	2013–14 Planned Results	2013–14 Actual	2012–13 Actual	Difference (2013–14 actual minus 2013–14 planned)	Difference (2013–14 actual minus 2012–13 actual)
Total expenses	17,970,000	17,055,017	16,759,767	(914,983)	295,250
Total revenues	0	0	0	0	0
Net cost of operations before government funding and transfers	17,970,000	17,055,017	16,759,767	(914,983)	295,250
Departmental net financial position	568,000	158,311	395,074	(409,689)	(236,763)

The variance in 2013–14 compared to 2012–13 is explained by the CIRB's active participation in an initiative led by PWGSC and TBS-CIOB and other SDAs to implement the new shared case management system solution identified through the RFP process.

Canada Industrial Relations Board  
Condensed Statement of Financial Position (unaudited)  
As at March 31, 2014  
(dollars)

	2013–14	2012–13	Difference (2013–14 minus 2012–13)
Total net liabilities	1,797,118	2,099,006	(301,888)
Total net financial assets	846,084	1,023,147	(177,090)
Departmental net debt	951,034	1,075,832	(124,798)
Total non-financial assets	1,109,345	1,470,906	(361,561)
Departmental net financial position	158,311	395,074	(236,763)

The Board's reduction in the Departmental financial position is mainly explained by the depreciation of its legacy non-financial assets, mainly computer software and equipment.

## Financial Statements

The Board's Future-oriented Financial Statements can be found on the Canada Industrial Relations Board Website<sup>vii</sup>.

## Supplementary Information Tables

The supplementary information tables listed in the *2013–14 Departmental Performance Report* can be found on the [Canada Industrial Relations Board's website](#)<sup>viii</sup>.

### ► Departmental Sustainable Development Strategy

## Tax Expenditures and Evaluations

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance Canada publishes cost estimates and projections for these measures annually in the *Tax Expenditures and Evaluations*<sup>ix</sup> publication. The tax measures presented in the *Tax Expenditures and Evaluations* publication are the sole responsibility of the Minister of Finance.

## Section IV: Organizational Contact Information

Canada Industrial Relations Board  
CD Howe Building 240 Sparks Street 4th Floor West  
Ottawa, Ontario K1A 0X8  
Canada

Telephone: 1-800-575-9696

People who use TTY should place calls with the assistance of a Bell Relay Service operator at:  
1-800-855-0511

Fax: 613-947-5407

Web: <http://www.cirb-ccri.gc.ca>



## Appendix: Definitions

**appropriation:** Any authority of Parliament to pay money out of the Consolidated Revenue Fund.

**budgetary expenditures:** Include operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

**Departmental Performance Report:** Reports on an appropriated organization's actual accomplishments against the plans, priorities and expected results set out in the corresponding Reports on Plans and Priorities. These reports are tabled in Parliament in the fall.

**full-time equivalent:** Is a measure of the extent to which an employee represents a full person-year charge against a departmental budget. Full-time equivalents are calculated as a ratio of assigned hours of work to scheduled hours of work. Scheduled hours of work are set out in collective agreements.

**Government of Canada outcomes:** A set of 16 high-level objectives defined for the government as a whole, grouped in four spending areas: economic affairs, social affairs, international affairs and government affairs.

**Management, Resources and Results Structure:** A comprehensive framework that consists of an organization's inventory of programs, resources, results, performance indicators and governance information. Programs and results are depicted in their hierarchical relationship to each other and to the Strategic Outcome(s) to which they contribute. The Management, Resources and Results Structure is developed from the Program Alignment Architecture.

**non-budgetary expenditures:** Include net outlays and receipts related to loans, investments and advances, which change the composition of the financial assets of the Government of Canada.

**performance:** What an organization did with its resources to achieve its results, how well those results compare to what the organization intended to achieve and how well lessons learned have been identified.

**performance indicator:** A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, program, policy or initiative respecting expected results.

**performance reporting:** The process of communicating evidence-based performance information. Performance reporting supports decision making, accountability and transparency.

**planned spending:** For Reports on Plans and Priorities (RPPs) and Departmental Performance Reports (DPRs), planned spending refers to those amounts that receive Treasury Board approval by February 1. Therefore, planned spending may include amounts incremental to planned expenditures presented in the Main Estimates.

A department is expected to be aware of the authorities that it has sought and received. The determination of planned spending is a departmental responsibility, and departments must be able to defend the expenditure and accrual numbers presented in their RPPs and DPRs.

**plans:** The articulation of strategic choices, which provides information on how an organization intends to achieve its priorities and associated results. Generally a plan will explain the logic behind the strategies chosen and tend to focus on actions that lead up to the expected result.

**priorities:** Plans or projects that an organization has chosen to focus and report on during the planning period. Priorities represent the things that are most important or what must be done first to support the achievement of the desired Strategic Outcome(s).

**program:** A group of related resource inputs and activities that are managed to meet specific needs and to achieve intended results and that are treated as a budgetary unit.

**results:** An external consequence attributed, in part, to an organization, policy, program or initiative. Results are not within the control of a single organization, policy, program or initiative; instead they are within the area of the organization's influence.

**Program Alignment Architecture:** A structured inventory of an organization's programs depicting the hierarchical relationship between programs and the Strategic Outcome(s) to which they contribute.

**Report on Plans and Priorities:** Provides information on the plans and expected performance of appropriated organizations over a three-year period. These reports are tabled in Parliament each spring.

**Strategic Outcome:** A long-term and enduring benefit to Canadians that is linked to the organization's mandate, vision and core functions.

**sunset program:** A time-limited program that does not have an ongoing funding and policy authority. When the program is set to expire, a decision must be made whether to continue the program. In the case of a renewal, the decision specifies the scope, funding level and duration.



**target:** A measurable performance or success level that an organization, program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.

**whole-of-government framework:** Maps the financial contributions of federal organizations receiving appropriations by aligning their Programs to a set of 16 government-wide, high-level outcome areas, grouped under four spending areas.



## Endnotes

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- i. *Canada Labour Code (Part I–Industrial Relations)*, <http://laws-lois.justice.gc.ca/eng/acts/L-2/page-1.html#h-3>
- ii. *Canada Labour Code (Part II–Occupational Health and Safety)*, <http://laws-lois.justice.gc.ca/eng/acts/L-2/page-53.html#h-46>
- iii. *Status of the Artist Act (Part II–Professional Relations)*, <http://laws-lois.justice.gc.ca/eng/acts/S-19.6/page-1.html#h-4>
- iv. Information on Board Members, [http://www.cirb-ccri.gc.ca/eic/site/047.nsf/eng/h\\_00112.html](http://www.cirb-ccri.gc.ca/eic/site/047.nsf/eng/h_00112.html)
- v. Whole-of-government Framework, <http://www.tbs-sct.gc.ca/ppg-cpr/frame-cadre-eng.aspx>
- vi. *Public Accounts of Canada 2014*, <http://www.tpsgc-pwgsc.gc.ca/recgen/cpc-pac/index-eng.html>
- vii. Canada Industrial Relations Board Future-Oriented Financial Statements, [http://www.cirb-ccri.gc.ca/eic/site/047.nsf/fra/h\\_00237.html](http://www.cirb-ccri.gc.ca/eic/site/047.nsf/fra/h_00237.html)
- viii. Canada Industrial Relations Board Supplementary Information Table; [http://www.cirb-ccri.gc.ca/eic/site/047.nsf/eng/h\\_00237.html](http://www.cirb-ccri.gc.ca/eic/site/047.nsf/eng/h_00237.html)
- ix. *Tax Expenditures and Evaluations* publication, <http://www.fin.gc.ca/purl/taxexp-eng.asp>